

Appl. No. 10/710,743  
Response Dated December 15, 2005  
Reply to Office Action Dated September 28, 2005

### **REMARKS/ARGUMENTS**

Please reconsider the application in view of the above amendments and the following remarks. Claims 1-38 remain in this application. Claims 1, 16, 20-22, and 24 have been amended. The Abstract has also been amended. No new matter has been added by way of these amendments.

#### **Objections to the Specification**

The Abstract was objected to because of its inclusion of an implied phrase. Appropriate correction has been made in the enclosed amendment.

#### **Objections to the Claims**

Claims 1, 2, 7, 10, 16, 19-25, 30 and 33 were objected to because of the following purported informalities:

- Claims 1, 2, 7, 10, 16, 19, 20, 23-25, 30 and 33 were objected to because "and combinations thereof" should be changed to --or combinations thereof--.
- Claim 21 was objected to because it appears that claim 21 should depend from claim 17 as claim 16 does not recite separation of the fluid.
- Claim 22 was objected to because it appears that claim 22 should depend from claim 21 as claim 16 does not recite separation of the fluid sample to be able to dump only the contaminated portion into the borehole.

The noted objection to claims 1, 2, 7, 10, 16, 19, 23-25, 30 and 33 is respectfully traversed. Each of these claims are presented in a Markush-type format that recites alternatives in language such as "one of A, B, *and* C," which is equivalent to the conventional Markush language of "selected from the group consisting of A, B *and* C."

Claim 20 has been amended to recite the term "or" rather than "and," as suggested by the Examiner, since claim 20 was formatted differently from the other claims discussed above. Claim 21 has been amended to depend from claim 17 as suggested. Reconsideration and withdrawal of the objection to claim 21 is therefore requested. Claim 22 has been amended to depend from 18, because claim 18 recites "fluid is separated by withdrawing the contaminated portion from the sample chamber." In view of the above, reconsideration and withdrawal of the objections are requested.

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### Rejection(s) under 35 U.S.C § 102

Claims 1-8, 11-13, 16, 23-32 and 34-36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,467,544 ("Brown"). This rejection is respectfully traversed.

Claim 1 as amended recites "an exit flow line *operatively connected* to the sample chamber *for selectively removing one of a contaminated portion* of the formation fluid *and a clean portion* of the formation fluid from the sample chamber whereby contamination is removed from the formation fluid" (emphasis added). Claims 16 and 24 have been similarly amended. Examples of sample chambers (28A, 28B) are shown in FIGS. 2-8. Examples of exit flowlines (27B, 42, 48) are shown in FIGS. 3A-7. The exit flowline(s) are thus employed to selectively remove (i.e., remove by selection or choice) either a contaminated fluid portion or a clean fluid portion from a sample chamber, according to the operative connection between the exit flowline(s) and the sample chamber.

As noted by the Examiner, Brown discloses a flow line 116 through which sampled formation fluid may be removed from a sample chamber 110. However, there is no teaching in Brown that fluid may be selectively removed, or more particularly that either clean fluid or contaminated fluid may be chosen for removal. At best, Brown teaches only the removal of a nonspecific fluid makeup from a sample chamber 110. Since Brown fails to disclose this requirement of the claimed invention, Brown fails to anticipate the claimed invention. Applicant therefore requests withdrawal of the rejection under 35 U.S.C. § 102.

### Rejection(s) under 35 U.S.C § 103

Claims 9, 17, 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. in view of U.S. Patent No. 4,962,665 ("Savage"). This rejection is respectfully traversed, because these rejected claims all depend from independent claims that recite at least one limitation that is not taught by the cited art, as explained above. In particular, both Brown and Savage fail to teach that *either* a contaminated portion of the formation fluid or a clean portion of the formation fluid be selectively removed (i.e., removed by selection or choice) from the sample chamber, as is claimed.

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For at least these reasons, Applicant submits that the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. § 103. Applicant, therefore, respectfully requests withdrawal of the rejection under 35 U.S.C. § 103.

Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner is not persuaded, or other issues arise, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

This paper is submitted in response to the Office Action dated September 28, 2005, for which the three-month date for response is December 28, 2005. Please apply any charges not covered, or any credits, to Deposit Account 19-0610 (Reference Number 20.2909).

Date:

12/15/05

Respectfully submitted,

Jennie J.L. Salazar, Reg. No. 45,065  
Schlumberger Technology Corporation  
200 Gillingham Lane, MD 9  
Sugar Land, TX 77478  
Telephone: (281) 285-8809  
Facsimile: (281) 285-8821